

Ms. Haddad of Somerset moves to further amend the consolidated amendment offered by Mr. Rogers of Norwood by striking out the text of said amendment in its entirety and inserting in place thereof the following text:-

Mr. Rogers of Norwood, Mr. Ruane of Salem, Mr. Larkin of Pittsfield and other members of the General Court move to consolidate the following amendments: 79, 127, 128, 251, 318, 319, 501, 502, 517, 518, 636, 640, 641, 762, 853, 854, 855, 976 and 978 and hereby move to amend H.4000 in section 2 in item 0810-0000 by inserting after the words "category of claim;" the following:—

provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area, of Dorchester;

and move to further amend H.4000 by inserting after clause (2) in section 267 the following clause:—

(2A) To provide and pay local aid to licensees respective host communities an amount not less than \$1,700,000; provided, that the state treasurer, upon certification by the state racing commission, shall quarterly distribute to each city and town within which racing meetings are conducted, including racing meetings conducted in connection with a state or county fair, under licenses issued under the provisions of chapter 128A, the sum of one quarter of one percent of the total pari-mutuel wager for each such racetrack within said city or town for the 3 months ending 2 quarters prior to the quarter for which said distribution is being made, which sum shall be allocated from the commonwealth's share; provided, however, that if the parcel of land containing such racetrack is located in 2 cities or towns, said sum shall be divided so that two-thirds shall be distributed to the city or town in which the major portion of said parcel is located, and one-third shall be distributed to the other city or town.

and move to further amend the bill in section 425, in line two, by striking out the words "the office of the secretary of state"

and move that the bill be amended in section 447 in line 1 by inserting after the word "item" the words:- "0526-0101 and"

and move to further amend H.4000 in section 3 by striking out the preamble and inserting in place thereof the following:—

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, for the fiscal year ending June 30, 2004 the distribution to cities and towns of the balance of the State Lottery Fund, as paid by the treasurer from the General Fund in accordance with the provisions of clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws, shall be \$661,378,162 and shall be apportioned to the cities and towns in accordance with this section; provided, that the amount of any balance in the State Lottery Fund at the end of the fiscal year shall be transferred to the General Fund; provided further, that the total amount of lottery distribution in fiscal year 2003 shall be considered "general revenue sharing aid received in the prior fiscal year" for purposes of calculating the municipal revenue growth factor pursuant to the

provisions of chapter 70 of the General Laws. If there exists a deficit in the State Lottery Fund at the end of fiscal year 2004, final adjustments of the lottery distribution to cities and towns shall be made by the state treasurer by adjusting downward the second quarterly payment of fiscal year 2005, through the lottery formula, so as to apportion the revenue shortfall.

Notwithstanding the provisions of any general or special law to the contrary, except for section 12B of chapter 76 of the General Laws and section 89 of chapter 71 of the General Laws, the total amounts to be distributed and paid to each city, town, regional school district, independent agricultural school and county maintaining an agricultural school from items 0611-5500 and 7061-0008 of section 2 shall be as set forth in the following lists; provided, that the specified amounts to be distributed from item 7061-0008 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under the provisions of chapter 70 of the General Laws; provided further, that the amounts to be distributed from item 0611-5500 of said section 2 are hereby deemed to be in full satisfaction of the amounts due under section 37 of chapter 21 of the General Laws. No payments to cities, towns, or counties maintaining an agricultural school pursuant to this section shall be made after November 30 of the fiscal year by the state treasurer until he receives certification from the commissioner of revenue of said commissioner's acceptance of the prior fiscal year's annual financial reports submitted pursuant to the provisions of section 43 of chapter 44 of the General Laws.

Notwithstanding section 2 of chapter 70 of the general laws or any other general or special law to the contrary, for fiscal year 2004 all wage adjustment factors calculated within the foundation budget appearing below 1 shall be raised by 100% of the difference between the wage adjustment factor and 1.

Notwithstanding any general or special law to the contrary, for the purpose of calculating minimum required local contributions for fiscal year 2004, the department of education shall multiply each municipality's fiscal year 2003 preliminary local contribution by the municipal revenue growth factor.

Notwithstanding the provisions of any general or special law to the contrary, fiscal year 2004 chapter 70 aid shall be the sum of base aid and foundation aid as defined in this section. Base aid for each district shall be the district's fiscal year 2003 Chapter 70 aid reduced by twenty percent. Foundation aid, for each district, shall be the positive difference, if any, between the district's foundation budget, and the sum of base aid plus the sum of member municipalities' preliminary local contributions to said districts, calculated according to the provisions of this section. Chapter 70 aid for any regional school district shall be provided directly to said district.

Notwithstanding the definition of "Net school spending" in section 2 of chapter 70 of the General Laws, for the purpose of calculating the minimum required local contribution for fiscal year 2004, pursuant to said chapter 70, the department of education shall consider health care costs for retired teachers to be part of net school spending for any municipality in which health care costs for retired teachers were considered to be part of net school spending in fiscal year 1994. The department shall not consider health care costs for retired teachers to be part of net school spending for any district in which such costs were not considered part of net school spending in fiscal year 1994. If there is a conflict between the provisions of this section and the distributions listed below, the distribution below shall control.

The state treasurer shall make advance payments for some or all of periodic local reimbursement or assistance programs to any city, town, regional school district, or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the commissioner of revenue and approved by the secretary of administration and finance, pursuant to guidelines established by said secretary.

Notwithstanding the provisions of any general or special law to the contrary, upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, the department of revenue may recalculate the minimum required local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June 30, 2004.

Based on the criteria in the following paragraphs, the department shall recalculate the minimum required local contribution for a municipality's local and regional schools and shall certify the amounts calculated to the department of education.

~~Not later than October 15, 2003 the house and senate committees on ways and means shall complete a study of the formulas used to allocate the funds distributed herein.~~

(a) A city or town that used qualifying revenue amounts in a fiscal year which shall not be available for use in the next fiscal year or that shall be required to use revenues for extraordinary non-school-related expenses for which it did not have to use revenues in the preceding fiscal year or that has an excessive certified municipal revenue growth factor which is also greater than or equal to 2.5 times the state average municipal revenue growth factor may appeal to the department of revenue not later than October 1, 2004 for an adjustment of its minimum required local contribution and net school spending.

(b) If a claim is determined to be valid, the department of revenue may reduce proportionately the minimum required local contribution amount based on the amount of shortfall in revenue or based on the amount of increase in extraordinary expenditures in the current fiscal year, but no adjustment to the minimum required local contribution on account of an extraordinary expense raised in the budget for the fiscal year ending on June 30, 2004 shall affect the calculation of the minimum required local contribution in subsequent fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free cash, overlay surplus and other available funds.

(c) If, upon submission of adequate documentation, the department of revenue determines that the municipality's claim regarding an excessive municipal revenue growth factor is valid, said department shall recalculate the municipal revenue growth factor and the department of education shall use the revised growth factor to calculate the preliminary local contribution, the minimum required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in the minimum required local contribution.

(d) Upon the request of the board of selectmen in a town, the city council in a plan E city or the mayor in any other city, in a majority of the member municipalities, a regional school district which used qualifying revenue amounts in a fiscal year that shall not be available for use in the next fiscal year shall appeal to the department of revenue not later than October 1, 2003 for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

(e) A regional school district which received regional school incentive aid in fiscal year 1995 shall, upon the request of the board of selectmen in a town, the city council in a Plan E city or the mayor in any other city, in a majority of the member municipalities, appeal to the department of education for an adjustment in the minimum required local contribution of its member municipalities. The department of education may reduce the increased assessment of the member municipalities as a result of the reorganization of the regional school district by using a portion of the regional incentive aid to reduce the prior year local contribution.

(f) If the regional school budget has already been adopted by two-thirds of the member municipalities then, upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with this section.

(g) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any other general or special law to the contrary, the amounts so determined shall be deemed to be the minimum required local contribution described in chapter 70 of the General Laws. The house and

senate committees on ways and means and the joint committee on education, arts and humanities shall be notified by the department of revenue and the department of education of the amount of any reduction in the minimum required local contribution amount.

(h) If a city or town has an approved budget that exceeds the recalculated minimum required local contribution and net school spending amounts for its local school system or its recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine the extent to which the community shall avail itself of any relief authorized under this section. (i) The amount of financial assistance due from the commonwealth in fiscal year 2004 under said chapter 70 or any other law shall not be changed on account of any redetermination of the minimum required local contribution under this section.

(j) The department of revenue and the department of education shall issue guidelines for their respective duties relative to minimum contribution waivers under this section.

and move to further amend H.4000 in section 2 by striking out item 7061-0008 and inserting in place thereof the following:—

7061-0008	For school aid to cities, towns, regional school districts, counties maintaining agricultural schools, independent vocational schools and independent agricultural and technical schools to be distributed pursuant to chapters 70 and 76 of the General Laws and the provisions of section 3, including provisions relative to minimum contribution waivers; <u>provided, that not later than October 15, 2003 the house and senate committees on ways and means shall complete a study of the formulas used to allocate the funds appropriated herein</u>	\$3,108,140,588
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and move to further amend H.4000 in section 2 by striking out items 0611-5500 and 0611-5510 and inserting in place thereof the following:—

0611-5500	For additional assistance to cities and towns to be distributed according to section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal \$1,249,948; <u>provided further, that not later than October 15, 2003 the house and senate committees on ways and means shall complete a study of the formulas used to allocate the funds appropriated herein</u> ; and provided further, that if there is a conflict between the provisions of the distribution set forth in section 3 and any other provisions of this act, the distribution set forth in section 3 shall control.....	\$379,767,936
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0611-5510	For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws; provided, that the department of revenue shall submit to the house and senate committees on ways and means a report detailing the calculation of the amounts allocated pursuant to this item; and <u>provided further, that not later than October 15, 2003 the house and senate committees on ways and means shall complete a study of the formulas used to allocate the funds appropriated herein</u>	\$8,000,000
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and move to further amend the bill by adding at the end thereof the following section:

SECTION . The house and senate committee on ways and means shall complete a study of the formula used to appropriate lottery revenues in this General Appropriation Act, the formula or calculation used to appropriate chapter 70 funds in this General Appropriation Act, the formula or calculation used to appropriate additional assistance funds in this General Appropriation Act, and the formula or calculation used to appropriate payment in lieu of taxation funds in item 0611-5510 of section 2 of said act. Said study shall include any recommendations suggested by said committees relative to the possible revision of said formulas or calculations. Said study shall be completed by said committees on or before October 15, 2003 and shall be filed with clerk of the House and Senate upon its completion.